



Parks & Open Space

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Hannah Hippley
Planning Division Manager
Long Range Planning & Policy Team
Boulder County Land Use Department
2045 13th Street
Boulder, CO 80302

RE: Release of Kanemoto Estates NUPUD Conservation Easement

January 6, 2023

Dear Hannah,

Please accept this letter in explanation of Parks & Open Space's role in this matter regarding the request by Lefthand Ranch LLC, to terminate the conservation easement that currently encumbers the Kanemoto Estates Subdivision NUPUD Outlot A. The property is currently in unincorporated Boulder County and was designated as a receiving site under the Longmont Area TDR IGA. Although that IGA is expired, it is our understanding your department intends to honor that designation. The property is within the Longmont Planning Area and is eligible for annexation into the City of Longmont, so long as the conservation easement is first released by the county. The owner of the property, Lefthand Ranch, LLC, has applied to the City of Longmont to annex the property and plans to develop the property once annexed.

Paragraph 3(a) of the conservation easement provides that the conservation easement may be terminated by merger with the underlying fee simple interest in the property, provided that both the Boulder County Planning Commission and the Board of County Commissioners have determined that such termination is consistent with the current Boulder County Comprehensive Plan and Boulder County Land Use Regulations. The conservation easement also provides that the county may require compensation for and attach conditions to the termination of the conservation easement.

Because of the property's designation as a TDR receiving site and the fact that it lies within the Longmont Planning Area, Parks & Open Space does not object to the termination and release of the conservation easement, subject to the following condition:

Lefthand Ranch, LLC and the county shall negotiate an agreement to terminate the conservation easement so that the property may be annexed into the City of Longmont and developed. The agreement shall provide that the county is compensated for the loss of open space resulting from the termination of the conservation easement.

If termination is approved, Parks & Open Space will be responsible for obtaining appropriate compensation for the loss of the conservation easement interest. Parks & Open Space has negotiated a draft agreement because the developer needed to understand what compensation would entail. Upon approval, Parks & Open Space will finalize negotiations based on any conditions of approval and then ask the BOCC approve and sign the termination agreement at a regular business meeting as a discussion item.

Since we are aiming for just one public process on this topic, please be clear in your staff material an indication that a decision by the Boulder County Planning Commission and the Board of County Commissioners (BOCC) in favor of terminating the conservation easement will constitute approval for the Boulder County Parks & Open Space Department to terminate the conservation easement.

Please let me know if you have any questions about this condition of approval to terminate the Kanemoto Estates NUPUD conservation easement.

Thank you,

A handwritten signature in blue ink, appearing to read "Tina", is centered on a light blue rectangular background.

Tina Burghardt
Senior Land Officer
Parks & Open Space
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720.864.6533